

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUAN CARLOS ALMONTE,

Plaintiff,

-against-

LAW ENFORCEMENT AGENCY,

Defendant.

22-CV-0080 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order and judgment dated March 29, 2022, and entered on March 30, 2022, the Court dismissed Plaintiff's *pro se* complaint as frivolous under 28 U.S.C. § 1915(A)(b). On April 12, 2022, Plaintiff filed a notice of appeal and a motion for an extension of time to file a notice of appeal under Rule 4(a)(5) of the Federal Rules of Appellate Procedure. (ECF 11, 12.) For the reasons set forth below, the Court denies Plaintiff's motion for an extension of time to file a notice of appeal.

**DISCUSSION**

A litigant has 30 days from the entry date of the order or judgment he wishes to challenge to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A). On March 30, 2022, the Clerk of Court entered the order and judgment dismissing this action. (ECF 9, 10.) Plaintiff therefore had 30 days from that date, or until April 29, 2022, to file a timely notice of appeal. Plaintiff filed his notice of appeal on April 12, 2022. Accordingly, the Court denies Plaintiff's motion for an extension of time to file a notice of appeal as unnecessary.

**CONCLUSION**

The Court denies Plaintiff's motion for an extension of time to file a notice of appeal (ECF 11) as unnecessary because Plaintiff's notice of appeal is timely.

SO ORDERED.

Dated: April 14, 2022  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge